

Maine Natural Resources Conservation Program

Review Committee Meeting

Date: November 18, 2009

Time: 9:00 am –2:00 pm

Chair:	Jim Cassida, DEP	Minutes	Kathy Jensen, TNC
Participants:	<p>Present:</p> <p>Review Committee: James Cassida, DEP; Jay Clement, ACE; Molly Docherty, MNAP; Norm Dube, DMR; Liz Hertz, SPO; Mark Lickus, DOT; Bob Shafto, MEACC Steve Timpano, IFW; TNC Staff: Alex Mas; Bruce Kidman; Kathy Jensen</p> <p>Other Attendees: Mark Kern, EPA; Sarah Demers, MNAP; Kristen Puryear, MNAP; Kristen Chamberlain, MDOT</p> <p>Not Present: Sally Stockwell, Maine Audubon</p>		
Agenda	<p>9:00 – 9:10 Welcome / Introductions</p> <p>9:10 – 9:30 Overview of Process (ground rules, criteria calibration, etc.)</p> <p>9:30 – 12:30 Review Full Proposals</p> <ol style="list-style-type: none"> 1. Discuss merits of each proposal submitted 2. Identify follow-up questions to be addressed before next meeting 3. Work towards initial consensus on evaluations <p>12:30 – 1:00 Lunch (<i>provided</i>)</p> <p>1:00 – 2:00 Discuss Next Meeting & Potential Process Adjustments</p>		
Action Items:	Who	Action	Results
	Jensen	Create report that shows percentage of total impacts occurring in each habitat type, by biophysical region	
	Cassida	Look into DEP reporting on other, non-ILF mitigation being done in biophysical regions	
	Mas	Recirculate draft easement language to committee members	
	Mas	Send out committee's questions to applicants and send applicant replies back to committee	
	All	Revise scoring as needed and send back to Alex.	
	Mas	Update scoring compilation and send back to committee.	

Minutes

Overview of Process

Conflict of Interest/Recusal: Three situations were identified where Review Committee members should recuse themselves from the discussion of a project: 1) if the member or their organization (non-state agency) is the sponsor of an application; 2) if a family member or close associate is the project sponsor; 3) if the committee member is personally involved in a project in some way. For future rounds, if a Review Committee member feels they need to recuse themselves on a project, they should do it in writing. An email is sufficient.

For state agency committee members, the project contact should not be the Review Committee member. State agency members may participate in the discussion even if their agency has a proposal under consideration because the projects will not benefit them financially in any way. They will not advocate for a project but can discuss and provide input.

For non-state agencies the contact person for any proposal submitted to the MNRCP should be someone other than the Review Committee member, but the Review Committee member will still recuse themselves from the evaluation of that project.

Discussion of Issues Related to Project Evaluation: The role of the Review Committee is to review projects and make recommendations on the list of projects to fund and the funding levels. It acts as a technical and advisory body. TNC is a non-voting member whose function is to facilitate the process and highlight any concerns about administration of a grant.

Consensus was the recommended method of finding agreement amongst the committee. Score sheets will be used to inform the discussion. It was decided that after the discussion in the meeting and any answers to questions that the applicants might be able to provide, the committee members may rescore, if they have changed their view of a project.

The way the scoring system has been set up, each application is looked at individually and scored. The average is based on the number of members who scored it, so if someone recuses themselves on a project, it will not affect the score.

Each project is scored according to whether it is a good fit with the goals of the MNRCP. The overall ranking will provide the comparison of the merits of each project.

A question was asked about mitigation that does not go through MNRCP but gets taken care of during the DEP permitting process. Does DEP track this by biophysical region so the committee can see what other mitigation has taken place in the region? DEP does generally keep track of wetland losses, but the information is not as complete as it might be – it does not include significant wildlife habitats and may not include vernal pools. A tally might be able to be compiled, although it may take some time.

Several committee members asked for a report that would show them the percentage of impacts by habitat type for each biophysical region so they can compare this to the mitigation proposed. We do not have to have an acre for acre match for impacts to habitat types and functions in each round, but over time we need to make sure that mitigation projects are compensating for impacts. At some point there may be watershed or biophysical region plans that identify important priorities which could help inform decisions, but until then, mitigation should reflect impact trends.

Use of the scoring criteria varied amongst the committee members. Since the actual numbers vary among members, the important information that comes out of the scoring is the resulting rank of the projects. The biggest variability in the scoring criteria appeared to be in the first category. Many members scored lower in this category for straight preservation. In New Hampshire, they have set an upper limit on the score if the project is all preservation. Some of the Review Committee members felt that in some cases preservation could have a better result than restoration so they didn't want to strictly limit the score. Setting up parameters without rigid numbers would be helpful. It would be useful to have the group sit down and do a calibration exercise. Encouraging applicants to seek out restoration opportunities on their priority sites could produce some restoration that was not considered before. Some properties would not be developable under state and federal law so this would impact the value of the property and the mitigation. For Project Readiness there will be a time lag from start to finish. Also, restoration projects take longer to put together and bring to completion. In some cases it may be appropriate to fund phases. But there may be cases where money is allocated and the project is just not getting done. There will need to be a mechanism to cancel the project and recall the funds.

In terms of funding, projects will be funded according to their ability to meet program goals and the level of funding available. Not all the available funds in any given funding round need to be spent if enough suitable projects are not submitted. Some members suggested funding for only their top picks while others wanted to put funds toward things that can be completed immediately and get some projects on the ground. If there is a good mix of funding it shows a lot of support for the project; if MNRCP is the sole funder there is more risk.

Some members struggled with the local/regional/state priorities. Many of the smaller land trusts and other groups don't have as many resources to do projects like this. But projects must be evaluated on their merits and perhaps in future rounds when some of the bigger picture projects have been done more funding will be available for more local priorities. They are always free to reapply.

Several projects included allowances for forestry management. There is some guidance that has been developed that could help inform this decision. IFW has done some work on this and there are transmission line corridor guidelines that address this too. Harvesting may be acceptable in some portions of a property but the wetlands must be protected. These need to be evaluated based on project details. Terms of a conservation easement could help cover some issues.

Provisions need to be made for stewardship and dealing with issues that might come up such as illegal cutting of trees, motor vehicle issues, etc.

Review of Full Proposals and [Outstanding Questions]

Casco Bay Coast

- Brookings Bay – This project was not acquired at the Letter of Intent stage. Health of elderly landowner pushed things forward very quickly.
[Any more information on the status of the NAWC grant?]
- Maquoit Bay, Laskey – This is a huge area for significant wildlife habitat. The state has put in enormous effort here: LMF, NOAA Coastal and Estuarine Land Conservation Program (CELCP) and other state funding.
- Montsweag Brook: If they get mitigation funding, they won't qualify for community-based funding although there is not a large amount of community-based funding for this region so it would not provide much funding. Chewonki has a strong history of fundraising. The budget on the monitoring seemed high to one member.
[Who is the fee owner on the 3 mile easement? Who are all the partners? What is the value of the fishery that will be restored – what would the benefits be from removing the dam? Can they do this project if the NOAA funds don't come through?]
- Ocean Pt: Washburn and Doughty paid an In-Lieu Fee for work at their boat yard and submitted a letter of support to use the funds in this area. But they could have proposed to use this project as their mitigation during the application process and the allocations are done by biophysical region as opposed to the same town or area where the impacts take place. So this does not raise this project to a higher level.
- Pisgah Hill: This project has Land for Maine's Future (LMF) and Casco Bay regional connectivity funding.
[Is the connectivity provided by this project largely recreation, as opposed to wildlife corridors?]
- Williams: There is development pressure and the land is for sale so the level of threat seems high.

Central Maine Embayment

- Argyle – [Can they provide more information on the restoration component? How will this benefit the wetlands and wetland functions?]
- Blackman Stream: This project is straight restoration and that increased its score. This project also contributes to the bigger picture of the Penobscot River Watershed which is a high priority on a statewide level and for a number of organizations. Salmon recovery is also a strong charge for federal and state agencies.
[Could ASF pay back TNC with other money and use MNRCP funds totally toward the project?]
- Howell Trust – The application was somewhat vague and there seemed to be some misunderstanding of the program on the part of the landowner. They appear to think this is to provide funding to set up a mitigation bank and they will then sell credits. The conservation entity which would hold the easement does not appear to be strongly involved. The price they want for the easement is very high.
- Whitten Hill – [Can they provide any more information on the vernal pools on the site? This could help with connection to the program's goals.]

Gulf of Maine Coastal Lowlands

- Benjamin Farm – The town has made a significant contribution to this project.
[Can they provide more information on the wetlands restoration component and restoration budget?]
- Falmouth – Falmouth is one of the few towns that has mapped its vernal pools.
[What is the vision for the conservation corridor and how successful have they been in achieving it? Have the directional buffer areas on the vernal pools been mapped? Can they clarify the numbers of significant pools? Are these high priority pools for the town?]
- Gervais – More information was desired to be sure this project can be successfully maintained. A restoration/maintenance plan is needed.
[How does this site relate to the phragmites surveys/mapping done in the area? Do they know the source of the phragmites so they can prevent it from coming back? Can this project be done with Landowner Incentive Program, Natural Resources Conservation Service, or other funds?]
- High Pine – Request does not reflect the budget. Proposal refers to deed covenants which would not be acceptable under MNRCP. Must be fee purchase or easement.
- Mount Agameticus wetlands – The budget doesn't seem to cover all the costs expected for a project like this.
[Can they provide more information on the extent of the vernal pools? Is there any possibility of getting the town to put their parcels into conservation prior to the completion of these projects?]

Penobscot Bay Coast

- Branch Lake – City of Ellsworth has voted to put a considerable amount of funding toward this project. Branch Lake is their drinking water supply, which would be captured under “other benefits.” The Project also has a LMF allocation.
- Clark Island – Concern that the cost for rock removal is too low.
[Can they provide more information on the restoration activities planned? What is their technical expertise to do the restoration once the rock is removed? What will be the resulting wetland functions and values? Can they provide more detail on the scope of work budget? Is this amount going to cover the project? Can they get an estimate from a contractor or provide additional information on the rock removal?]

Sebago-Ossipee Hills

- Crooked River – The budget was unclear. Easement is very permissive; allows commercial forestry. May not meet MNRCP standards.
[Can they clarify the boundaries – some discrepancies between maps? Are there other potential funding sources? Is it possible for this easement to be modified to meet MNRCP; e.g. setbacks?]
- Maloney – They have received some LMF money for this project. Provides good landscape context and connection with existing Morgan Meadows Wildlife Management Area.
[How will road work affect the wetlands? Are there areas along the road where restoration is possible? Are they planning to do forest management in this area?]
- Northwest River – [Can they provide more information on the restoration plan? Elaborate on enhancements to the buffer. Will forest management activities require any new roads and where will they be? How will this affect the unfragmented block this property is in? Are they proposing to log the forested wetlands? Big funding gap – what is the fundraising plan or budget structure?
- Walnut Hill – This is within the Walnut Hill Beginning with Habitat Focus Area. There are Blandings turtles on this site which is on the rare, threatened, endangered list. Alfred and Shapleigh have gotten more interested in conserving open space and this is a first attempt for them. There are not a lot of landowners within the Focus Area so this project would be a springboard in the work to protect this area.
[Can they provide more specific funding request? Can they accomplish this project with partial MNRCP funding?]

“Parking Lot”

One committee member asked if it were possible to print out a notebook of all the proposals for committee members.

Consideration of climate change as a factor?

Upper limit on score that can be obtained by a strictly preservation project?

Show range of scores in each category on synthesis report?

Forest management flexibility?

Is some kind of financial buffer needed to cover any unforeseen issue related to the protection of the wetlands, such as illegal cutting, motor vehicle damage, etc.

Next Meeting & Potential Process Adjustments

Goal for next meeting is to have all scoring and funding recommendations completed and ready to send to the Approval Committee.

TNC will forward Review Committee questions to applicants and send members the responses by Nov. 24th.

Members will rescore as needed, make allocation recommendations and send to TNC by Nov. 30th.

TNC will do synthesis of all scoring and allocations and send out to Review Committee by Dec 1st.

Next meeting is Dec. 2nd starting at 9:00 AM at Bolton Hill facility in Augusta.